



# COALITION OF FEDERAL OMBUDSMAN

## MEETING MINUTES

**Meeting Date/Time:** November 12, 2014, 1:30pm – 2:40pm

**Location:** Conference Call Only

### **Agenda:**

1. Year in Review
2. Discussion on Possible Updates/Recommendations—*A Unified Model for Developing an Ombudsman Function, May 2006*  
(<http://federalombuds.ed.gov/federalombuds/pdfs/FederalOmbudsGuide.pdf>)
3. Website
4. Internship and Training Opportunities

### **Highlights:**

1. Year in Review

Highlights included new or expanding ombudsman offices as well as updates on record retention issues and ways to address them for internal and external ombudsman.

2. Discussion on Possible Updates/Recommendations—*A Unified Model for Developing an Ombudsman Function, May 2006*

The discussion centered on suggestions for updating the *Unified Model for Developing an Ombudsman Function*.

How do you quantify potential, unrealized costs for cases that do not escalate because of ombudsman availability and intervention? What models could we propose? Some ombudsman offices categorize cases based on cost avoidance (low/medium/high risk) had they escalated to a formal venue. Other supporting documentation can include lists of kudos and feedback from visitors (without attribution).

Other items that could be useful include samples of ombudsman position descriptions, office charters, and records retention policies. Also important are options for trends analysis and tracking specific services and statistics, whether based on IOA's or USOA's recommendations. How do ombuds present statistical information in a meaningful way, while protecting confidentiality?

Some suggested additional ways to demonstrate the value of ombudsman offices beyond one's agency, including 1) outreach, if appropriate, to stakeholders outside of one's agency; 2) a COFO annual report compiling available statistics from all ombudsman offices, without any agency identifying information; and 3) the convening of a meeting with all offices that track cases to generate ideas for a recommended standard.

3. Website

The COFO website needs to be updated. Suggestions on what to include and volunteers for this project would be welcome. Also, perhaps a Sharepoint site could be established for document sharing.

4. Internship and Training Opportunities

(See below)

**Attendees (by phone only):**

Emily Albertson, Federal Reserve Board

Mollie Berg, National Geospatial-Intelligence Agency

Andrea Brown, Department of State

Neal Cohen, Consumer Product Safety Commission

Scott Deyo, National Geospatial-Intelligence Agency

Victoria Gilner, Department of Defense, AF

Noreen Kinnavy, International Broadcasting Bureau

Bill Mauer, Department of Energy

Tracy McNeil, U.S. Securities Exchange Commission

Holley Miller, Department of Housing and Urban Development, OIG

Pamela Pontillo, Department of Energy

Eric Raines, Federal Deposit Insurance Corporation

Minutes prepared by: Noreen Kinnavy/Andrea Brown

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## MEDIATION INTENSIVE TRAINING

New York

December 3 – 7, 2014

### About the Training:

The Mediation Intensive Training provides both experienced mediators and those new to the field with the perspective and skills necessary to work within the Center's model of mediation. Participants learn what it takes to shift from a stance of advocacy to one of mediation - for professionals and parties alike.

### Who Should Attend:

The program is open to attorneys, those in the psychological professions, as well as other professionals working to integrate the principles of mediation into their practice or work — including ombuds-persons, business consultants, collaborative professionals, non-profit staff and other professionals who work with conflict.

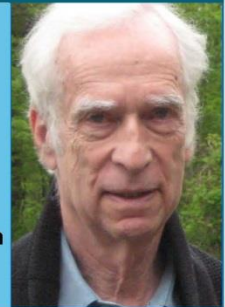
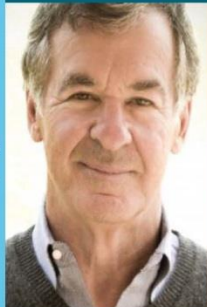
### Schedule:

The program starts Wednesday, Dec 3<sup>rd</sup> at 2pm and goes to 9 pm. Thursday through Saturday sessions run from 9am – 9pm (with ample breaks for meals, rest & recreation). The program ends Sunday, Dec 7<sup>th</sup> at 12 pm.

### Trainers:

Gary Friedman

Jack Himmelstein

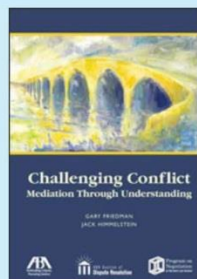


### Program Highlights:

- Reaching an agreement to mediate
- Establishing parties' responsibility for decisions
- Supporting each party's autonomy while encouraging mutuality
- Understanding fully each party's point of view while remaining neutral
- Clarifying issues and goals
- Integrating the law into mediation
- Generating bases for decision other than law
- Developing creative options that address differing needs and interests
- Working with parties' attorneys and other professionals

**Fees:** The program fee for the training is \$1,350. \$100 early bird discount is available for registrations received by Monday, November 10th. (Discount available based on economic need.) Housing costs (which include meals) are additional and appear below. A deposit of \$500 is necessary to secure your registration. Additional cost for lodging and meals are: Single room- \$780, Double \$560, Commuter (including meals) \$380. To register, visit our website: [www.understandinginconflict.org](http://www.understandinginconflict.org).

**Location:** The training will be held at a residential retreat and conference center ([www.baileyfarms.org](http://www.baileyfarms.org)) in Millwood, NY, in Westchester County, 45 minutes driving time north of NYC.



Gary Friedman and Jack Himmelstein are co-founders and co-directors of the Center for Understanding in Conflict and the Center for Mediation in Law and co-authors of *Challenging Conflict: Mediation Through Understanding*, published by the American Bar Association in cooperation with the Harvard Program on Negotiation. For more information, click [here](#). For the last quarter century, they have (with others) trained thousands of lawyers, law teachers, judges, psychologists, ombuds-persons, business people, administrators, and other professionals in their unique approach to conflict resolution throughout the United States, Europe and Israel -- working through the Center and also in cooperation with other educational institutions in this country and abroad. Both are practicing mediators, Gary in California and Jack in New York; and both have a background in law practice and law teaching. They will be joined by Antoinette Delruelle, Barry Berkman and others.

### About the Center:

The Center for Understanding in Conflict, which includes the Center for Mediation in Law, has developed a unique Understanding Based approach to conflict resolution and has conducted introductory and advanced training programs for thousands of lawyers and other professionals in the United States, Canada, Europe, and Israel. The Center's model is used in mediation, collaborative practice, non-profit organizations, and other settings in which professionals are helping parties work through conflict.



### The Understanding-Based Approach:

The overarching goal of this approach to mediation is to seek to bring understanding to conflict. Deeper understanding by the parties of their own and each other's perspectives, concerns and priorities enables them to find creative and mutually rewarding solutions to their conflict that reflect their personal and economic interests. To that end, the mediator meets directly and simultaneously with all parties and, if the parties desire, with their lawyers present as well to build for each party an understanding of what is important to all.

For further information, please contact us:

The Center for Understanding in Conflict  
Phone: 212-501-4044  
Email:  
training.ny@understandinginconflict.org  
Website:  
www.understandinginconflict.org

### Methods and Outcomes:

The learning addresses the practical, theoretical and personal dimensions of integrating an understanding-based perspective into your practice. The training combines presentations, teacher demonstrations, case simulations and discussions. Concise briefings introducing the five stage model and tools of the Understanding-Based Approach alternate with demonstrations and role-plays designed to immerse the participants in the mediation process. Each participant has the opportunity to role-play, in turn, mediator and party. In this way, everyone has a chance to apply the concepts and skills of this approach and to experience the emotional challenges faced by both parties and mediators in resolving a conflict.



### Training staff will also include Antoinette Delruelle, Barry Berkman and others.

**Antoinette Delruelle** is a senior attorney and mediator with the New York Legal Assistance Group. She started NYLAG's Mediation Project in 2013 to provide low and moderate income New Yorkers with free divorce and family mediation. Before that, she was a litigator in NYLAG's Matrimonial & Family Law Unit of which she also served as director from 2001 to 2004. She is the president of the Family and Divorce Mediation Council of Greater New York. Antoinette is also certified in collaborative law. **Barry Berkman** is a founding partner of Berkman Bottger Newman & Rodd, LLP, specializing in matrimonial law, including mediation and collaborative law practice. He has served on the Board of Directors of the Family and Divorce Mediation Council of Greater New York, and is a co-founder of the New York Collaborative Law Group.

### Comments from Prior Participants:

The program far exceeded my already high expectations. The balance of focus between the inside and the outside was incredible. Jack and Gary helped me realize that finding my place inside myself is the foundation; and combined with the intuitive and simple processes, they produce understanding and ultimately resolution of conflict. Andrew Gold, Attorney, Ardsley, NY

It was very inspiring to learn from two really special and gifted teachers, as well as to learn from each other, too. I've learned by listening to every participant, and I realized how connected (and similar in so many ways) we all are. Annie Noula, Attorney-at-law, Athens, Greece

The program teaches more than just new skills. It teaches a new way of thought and approach to conflict -- inside and outside the court room. I received a profound sense of renewal, consideration and gratitude. Adam Halper, Attorney, The Family Center, New York, NY

It is very gratifying to see how respectful and honoring this process is with the same or better results than other mediation processes. Dard D'Ercole, Deputy Director, Leadership Development, New York State School Boards Association, Latham, NY

This program has changed me as an individual and will forever change the way I manage conflict, personally and professionally. Catherine Hannibal, Attorney, Mediation Works, Brooklyn, NY

Excellent, and it surpassed my expectations. The instructors, across-the-board, were masterful. The use of the word 'intensive' was certainly appropriate. Yet I found it effective in assisting me in not only understanding but also in internalizing the methodology. Andrew Zwierling, Senior Litigation Partner, Arbitrator, Mediator, Garfunkel Wild, P.C., Great Neck, NY

**Continuing Education Credit:** The Center for Mediation in Law is an accredited provider of New York State Continuing Legal Education. The Mediation Intensive Training—appropriate for both newly admitted and experienced attorneys—will qualify for 40 NY MCLE credit hours (6.5 Ethics, 19.5 Professional Practice & 14 Skills credits).

Approved under Part 146 by the New York State Unified Court System's Office of ADR Programs. Please note that final placement on any court roster is at the discretion of the local Administrative Judge and participation in a course that is either approved or pending approval does not guarantee placement on a local court roster.



### **Ombudsman Internship Program 2015**

The OO/CCR has an opening for one Graduate Intern from May through August, 2015. Exact start and end dates are negotiable. Under the direction of the National Institutes of Health's (NIH) Office of the Ombudsman/Center for Cooperative Resolution (OO/CCR), the Intern will have the opportunity to learn about the functions of an internal organizational ombudsman office. The Intern will focus on one major project and will observe and assist with individual consultation sessions; mediation processes; group facilitations; conflict resolution system development and assessment; conflict-related research; data collection; and trend identification based on aggregated data. The Intern will work with a mentor who will provide guidance throughout the internship and will also collaborate with all ombudsmen at OO/CCR.

**About the NIH:** The NIH, a part of the U.S. Department of Health and Human Services, is the primary federal agency for conducting and supporting medical research. Helping to lead the way toward important medical discoveries that improve people's health and save lives, NIH scientists investigate ways to prevent disease as well as research the causes, treatments, and potential cures for common and rare diseases. There are about 18,000 employees at NIH's main campus in Bethesda, MD, just north of Washington, D.C. For more information about the NIH, please visit <http://www.nih.gov>.

**About the OO/CCR:** The NIH OO/CCR is a neutral, independent, and confidential resource providing informal assistance to all NIH scientists, administrators, and support staff in addressing work-related issues. The Office serves as a focal point for conflict resolution at NIH by (1) providing confidential, informal assistance to employees and managers in resolving work-related concerns, and (2) developing and coordinating effective dispute resolution processes and procedures. The OO/CCR offers a variety of services and programs to address sources of conflict, including performance appraisals, cross-cultural differences, harassment, mentoring relationships, and scientific collaboration. The Office is comprised of seven full-time ombudsmen, and an administrative assistant. For more information about the OO/CCR, please visit <http://ombudsman.nih.gov>.

**Applicant Requirements:** The position requires an individual to be either currently enrolled in or recently graduated from (less than one year) a graduate-level academic program in conflict or dispute resolution, legal studies with an emphasis on dispute resolution or mediation, or a closely related field. The successful applicant will be familiar with conflict resolution theory, have good listening skills and strong computer and analytic skills. The individual must have some experience in the area of dispute resolution and an interest in organizational and workplace conflict. Knowledge of and interest in the organizational ombudsman role are helpful. Absolute discretion and the ability to maintain confidentiality are imperative. Non-U.S. citizens or permanent residents must be cleared by the Division of International Services (DIS), Office of Research Services (ORS), NIH, in order to permit their assignment at NIH.

Applicants must submit a current resumé and cover letter explaining his or her interest in working with the OO/CCR and in the organizational ombudsman field.

**Time Commitment:** Interns are expected to work a full-time schedule (40 hours/week), from 8:30am-5pm. However, the number of hours per week and the length of the internship may be negotiated at the time an offer is extended.

**Compensation:** This position is unpaid.

**THE DEADLINE FOR APPLICATIONS IS MONDAY, DECEMBER 8, 2014.**

**For questions about the NIH OO/CCR Internship Program and to submit application materials,** please contact OO/CCR Associate Ombudsman Lisa Witzler at [witzlerlc@od.nih.gov](mailto:witzlerlc@od.nih.gov).

Applicants selected for interviews will be contacted on or about Dec. 12, 2014. Final decisions will be made on or about Jan. 5, 2015.